

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>UNITED STATES OF AMERICA</b>	§	
	§	
<b>v.</b>	§	<b>Criminal No. 4:21-cr-00009</b>
	§	
<b>ROBERT T. BROCKMAN</b>	§	<b>UNOPPOSED</b>

**UNOPPOSED MOTION FOR COMPETENCY HEARING**  
**SCHEDULING ORDER**

Defendant Robert T. Brockman respectfully requests that this Court grant this unopposed Motion for a Competency Hearing Scheduling Order. In support of the Motion, the Defendant respectfully states as follows:

1. Currently pending before the Court is a Motion for a Hearing to Determine Whether Mr. Brockman is Competent to Assist in His Defense filed by the Defendant (Dkt. No. 1-3 at 28-172). The government does not oppose the defendant's request for such a hearing. (Dkt. No. 1-3 at 192-739).

2. During a Status Conference held on January 22, 2021, the Court directed the parties to submit a proposed scheduling order for the competency hearing.

3. The parties have conferred and reached an agreement on a proposed schedule for the competency hearing. In the interests of judicial economy, efficiency, and fairness, the parties request that this Court issue a Competency Hearing Scheduling Order, with the following deadlines: a competency hearing shall be held before this Court on June 28, 2021; the government shall notify the Court of the identity of the licensed or certified psychiatrists or psychologists to be designated no later than February 12, 2021;

Mr. Brockman's psychiatric or psychological examinations shall be conducted on a non-custodial basis in this District no later than April 16, 2021; the examiner's written report is due May 7, 2021; additional expert reports for either party are due May 28, 2021; the government's post-hearing brief is due July 28, 2021; the defendant's opposition brief is due August 11, 2021; the government's reply brief is due August 18, 2021. The parties request that the Competency Hearing Scheduling Order supersede and vacate this Court's scheduling order dated January 15, 2021 (Dkt. No. 17).

4. The parties also propose that, following a decision on the issue of competency, the Court schedule a status conference within 10 days of the competency determination, to schedule motion dates, pretrial conference, and trial, if needed.

5. This request for a Competency Hearing Scheduling Order is made in good faith and for good cause, and is not being interposed for any improper purpose or to cause an unnecessary delay in these proceedings. The Defendant consents to time being excluded under the Speedy Trial Act. The proposed Competency Hearing Scheduling Order proposes that, pursuant to Title 18, United States Code, section 3161(h)(1)(A), the period of delay resulting from the competency examination and proceedings, including from the execution of the Competency Hearing Scheduling Order until at least August 18, 2021, shall be excluded from computing the time within which trial must commence in this matter.

For the foregoing reasons, Defendant Robert T. Brockman respectfully requests that this Honorable Court grant the unopposed Motion for a Competency Hearing Scheduling Order.

Dated: January 29, 2021

/s/Jason S. Varnado

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*Attorneys for Defendant*

*Robert T. Brockman*

**CERTIFICATE OF CONFERENCE**

I certify that on this 29th day of January, 2021, I conferred with counsel for the United States regarding the relief sought in this motion. Counsel indicated that the United States is unopposed to this motion.

*/s/ Jason S. Varnado*

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Jason S. Varnado

**CERTIFICATE OF SERVICE**

I certify that on this 29th day of January, 2021, this document was served by electronic filing service on all counsel of record.

*/s/ David S. Smith*

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David S. Smith